

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK CALVERT,

Plaintiff,

v.

BEAU FESSENDEN,

Defendant.

CASE NO. MC20-70-JCC

ORDER

This matter comes before the Court on United States Magistrate Judge Michelle L. Peterson's report and recommendation ("R&R") (Dkt. No. 23). Having thoroughly considered the relevant record, the Court finds oral argument unnecessary and ADOPTS Judge Peterson's report and recommendation.

A district court must conduct a *de novo* review of those portions of a magistrate judge's R&R to which a party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party properly objects when he or she files "specific written objections" to the magistrate judge's R&R as required under Federal Rule of Civil Procedure 72(b)(2). In contrast, general objections or summaries of arguments previously presented have the same effect as no objection at all since they do not focus the Court's attention on any specific issues for review. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). This Court's consideration of such "objections" would entail *de novo* review of the entire report, rendering the referral to the

1 magistrate judge useless and causing a duplication of time and effort that wastes judicial
2 resources and contradicts the purposes of the Magistrates Act. *Id.* Accordingly, *de novo* review is
3 not required when a party fails to direct the court to a specific error in R&R. *Strawbridge v.*
4 *Sugar Mountain Resort, Inc.*, 243 F.Supp.2d 472, 475 (W.D.N.C. 2003).

5 Judge Peterson recommends the Court DISMISS this case for failure to prosecute, as the
6 last substantive action occurred in November 2021 when the Court granted the motions of
7 Creditor Elliot Bay Lender, LLC (“Elliot Bay”) to continue the examinations after the parties
8 failed to appear. (Dkt. Nos. 21 at 1, 24 at 1.) Elliott Bay filed a “response” to the R&R, agreeing
9 with Judge Peterson’s assessments but nonetheless requesting its complaint “not be dismissed at
10 this time.” (Dkt. No. 24 at 2.) This is not a proper objection to the R&R, nor does it direct this
11 Court to any specific error that Elliott Bay believes may exist. Judge Peterson is correct that
12 “Elliott Bay’s efforts to enforce the judgment do not currently appear to involve the Court.” (*Id.*)

13 Accordingly, the Court ORDERS as follows:

- 14 (1) The Court ADOPTS the Report and Recommendation;
15 (2) This matter is DISMISSED without prejudice; and
16 (4) The Clerk is DIRECTED to send a copy of this order to the parties.

17
18 DATED this 9th day of June 2022.

19
20
21
22
23
24
25
26

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE